

P/3704-15

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF APPEALS AND INTERFERENCES

In re Patent Application of:

New York, New York

Peter Kassan

Date: November 24, 2004

Serial No.: 09/824,404

Group Art Unit: 2171

Filed: April 2, 2001

Examiner: Sana A. Al Hashemi

For: UNIVERSAL ASSET AND RELATIONSHIP MANAGER

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Commissioner for Patents
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APPEAL BRIEF UNDER 37 C.F.R. §1.192

Sir:

This appeal is from the Examiner's final rejection of this application.

Real Party in Interest

The real party in interest is the assignee, Treetop Ventures, LLC

Related Appeals and Interferences

The applicants, the assignee and the undersigned attorneys are not aware of any related appeals and interferences.

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Status of Claims

Claims 1-28 are pending and on appeal herein.

Claims 1-28 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Harrington (U.S. Patent NO. 5,895,454) in view of Barlow, et. al. (U.S. Patent No. 6,038,551).

Status of Amendments

An Amendment After Final Rejection was filed on April 30, 2004.

Summary of Invention

The invention is an asset tracking, managing and servicing system that comprises at least two subsystems and a plurality of databases. One subsystem, a user-referenced subsystem 10, includes a respective assets/relationships database (A/R DB 12) which comprises a database capable of storing data records relating to user-based assets or user-based information and further including a records associator and request processor (see applicants' written description at page 4, lines 19-21). A second subsystem, a control/communication ("C/C") subsystem 29 causes interactions between user-referenced A/R data records and the service/product vendor ("SP/V") data records that are vendor-referenced (see applicants' written description at page 21, lines 18-23). Furthermore, a plurality of S/P vendor-referenced databases comprising SP/V data records describing vendor-referenced services or products are included in the system (page 4, lines 24-26). The C/C subsystem 29 causes communication in a manner that creates current user information, including via interactions initiated by vendors (page 18, line 27-page 19, line 8).

Issues

The following issue is presented for review:

Whether claims 1-28 are unpatentable under 35 U.S.C. §103(a) over Harrington (U.S. Patent NO. 5,895,454) in view of Barlow, et. al. (U.S. Patent No. 6,038,551).

Grouping of Claims

Claims 1-28 stand or fall together.

Argument

The primary reference relied upon in the Office Action is Harrington (5,895,454). Respectfully, this primary reference -- Harrington -- neither anticipates nor suggests crucial elements of the invention defined in claim 1. With respect to the portion of claim 1 cited above,

the Examiner has referred the applicant to Fig. 2, reference numerals 32 and 36, and to column 5, lines 63-67 of Harrington. Respectfully, careful study of the portion of Harrington relied upon shows that this reference contains numerous structural differences and is functionally, as well, different from the claimed invention.

Firstly, note that the Examiner has incorrectly characterized the respective elements to which numerals 32 and 36 refer. Information 32 refers to vendor/product information that is stored by the database administration software 21 and information 36 refers to vendor/product information that is stored on a vendor website (see Fig. 2, and column 4, lines 8-12, column 5, lines 17-21). The Examiner characterizes 32 and 36 as “steps,” apparently in a process that includes interactions initiated by vendors.

Unlike applicants’ claim 1, starting at column 2, line 10 and at the cited portion column 5, lines 63-67, Harrington teaches organizing and integrating commercial interactions via a remote database application whereby a local user can locate and interact with a range of remote vendor locations. Harrington further teaches providing an integrated environment to effect commercial transactions. Information stored in the database “directs” the user to vendor sites, and always in response to a user initiated activity, such as a keyword search, an interaction with a graphical icon, selection of screen controls or the like.

More particularly, (starting at column 4, line 7) Harrington teaches a database that contains information relating to vendor products, locations, addresses, price, maps, etc. Effectively, this is information 32 that originates from vendor. Thereafter, a user connects to the database “machine” to search information 32 for a list of vendor websites that match the search criteria. Thereafter, the user is able to connect to any of the websites and interact with the remote vendor website to review information 36 and, possibly, to make purchases.

Unlike the teachings of Harrington, the claimed A/R DB (user-based assets and/or information data records) subsystem and the interaction of that subsystem with a C/C (control/communication) subsystem, the data records of the A/R DB are interrelated and interacted with so-called SP/V data records which are vendor based. This creates current user information, including via interactions initiated by vendors. Applicants submit that enabling

vendor initiated interactions in manner that create current user information effectively provide for asset tracking, managing and servicing.

Nowhere in Harrington is a vendor able to “initiate” an interaction between A/R data records and SP/V data records in a manner that creates current user information. Instead, Harrington teaches a database that stores vendor data 32 and which is used to link customers to vendor sites to review vendor data 36 stored therein to effect financial transactions. Thus, the teachings of Harrington are missing fundamental elements of applicants’ claim 1 and do not provide for asset tracking, managing and servicing.

The Examiner has maintained the rejection of claims 1-28 on grounds of prior art over references that include Harrington as a primary reference, and Barlow (6,038,551) as a secondary reference.

The secondary reference, Barlow, does not disclose the concept or the structure or the functionality of the present invention, including the function of a controlling communication subsystem "that causes interactions between the A/R data records", i.e., the records that are user-referenced, and the SP/V data records that are vendor-referenced, in a manner that creates current user information, including via interactions initiated by vendors", as specifically set forth in claim 1.

More specifically, Barlow describes a system and method for configuring and managing security resources on a multi-purpose integrated circuit smartcard using a personal computer. Barlow teaches that a user maintains information about their personal assets or other aspects of their lives on an intelligent PC card which can be connected to a computer to monitor and update its contents, or to a remote computer. Barlow does not teach or suggest the elements of applicants’ claim 1 that are clearly missing from the teachings of Harrington.

More particularly, neither of the two references of record teaches explicitly a subsystem that causes interaction between vendor-referenced information and user-based information in a manner that creates current user information, including via interactions initiated by vendors. For example, there is nothing in these references which discloses vendors being able to access people's personal information and to apprise them that certain action needs to be taken relative to

that information or that certain options are available to these users relative to their personal assets and private information.

Conclusion

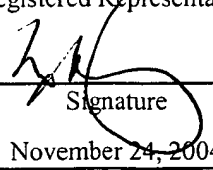
In view of the foregoing remarks, it is respectfully submitted that the applicant has laid out a prima facie case that shows that claim 1 is not rendered obvious by Harrington in combination with Barlow. Claims 2-28 depend directly or indirectly from claim 1, and are not, therefore, rendered obvious by Harrington in combination with Barlow. Therefore, reversal of the rejection of record with respect to each of the grounds of rejection and each group of claims is earnestly solicited.

Our Check No. 18822 which includes the amount \$170.00 to cover the Appeal Brief is attached hereto. This brief is being submitted in triplicate in accordance with 37 CFR 1.192 and applicant reserves the right to request an oral hearing upon receipt of the Examiner's Answer.

If this communication is filed after a shortened statutory time period has elapsed and no separate Petition is enclosed, the Commissioner of Patents and Trademarks is petitioned, under 37 C.F.R. §1.136(a), to extend the time for filing a response to the outstanding Office Action by the number of months which will avoid abandonment under 37 C.F.R. §1.135. The fee under 37 C.F.R. §1.17 should be charged to our Deposit Account No. 15-0700.

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Mail Stop Appeal Brief - Patents, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on November 24, 2004:

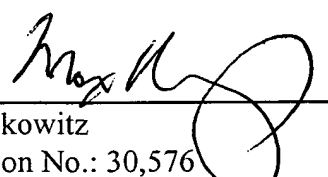
Max Moskowitz
Name of applicant, assignee or
Registered Representative


Signature

November 24, 2004
Date of Signature

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Respectfully submitted,



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APPENDIX

The Claims on Appeal Are:

1. An asset tracking, managing and servicing system, comprising:
a user-referenced subsystem including, for each of a plurality of users, a respective A/R DB which comprises a database capable of storing data records relating to user-based assets or user-based information and further including a records associator and a request processor;
a plurality of service/product, vendor-referenced, databases comprising SP/V data records which constitute data records describing vendor-referenced services or products, the SP/V data records comprising service and product information; and
a C/C subsystem which is a control and communication subsystem and that causes interactions between the A/R data records that are user-referenced and the SP/V data records that are vendor-referenced, in a manner that creates current user information, including via interactions initiated by vendors.
2. The system of claim 1, further including a facility associated with the user-referenced subsystem which groups selected items from the A/R data records into groups of records.
3. The system of claim 1, in which the A/R data records include asset-related information.
4. The system of claim 3, in which the asset-related information is comprised of one or more data items selected from an information data group consisting of: warranties; periodic maintenance; payment schedules; payment history; proof of ownership of assets; proof of purchase; product recall data; tax related information; installment payment dates; expiration dates; renewal dates; expenditure history; and next mandated maintenance date.

5. The system of claim 3, in which the asset-related information is comprised of one or more data items selected from an information data group consisting of: time and date of transactions; vendor; personal data of purchaser; addressing information of recipient; personal demographic information about purchaser and/or recipient; generic description of an asset; contract terms and conditions; entity purchased from; and contact information.

6. The system of claim 5, in which the data items also include transaction type information including: purchase, rental, lease, and contract signing.

7. The system of claim 1, in which the user-referenced subsystem further includes a security controller.

8. The system of claim 7, in which the security controller is operable to set a variety of authorization levels that determine and select those A/R data records to which the request processor shall have access.

9. The system of claim 8, in which the authorization levels are based on criteria selected from a criteria group that consists of: a user ID; a requestor PIN; type of access rights granted; data that pertains to assets associated with a requestor; transaction code; A/R data record category; and vendor class.

10. The system of claim 1, in which the A/R data records are encrypted.

11. The system of claim 1, the A/R data records including personal preference information.

12. The system of claim 7, in which the security controller enables communication via a trusted agent.

13. The system of claim 1, in which the request processor includes a facility that enables the user-referenced subsystem to respond to unsolicited requests for detailed information about assets.

14. The system of claim 1, in which the request processor receives a request for information from remote computing facilities.

15. The system of claim 1, in which the request processor assigns a unique transaction number to each request.

16. The system of claim 1, in which the request processor develops a history of transactions.

17. The system of claim 1, in which the records associator is a facility that automatically establishes associations between A/R records of various types, based on a set of criteria.

18. The system of claim 17, in which the records associator tentatively establishes associations at the time a transaction is made.

19. The system of claim 17, including an inference engine and in which the criteria for the records associator are developed by the inference engine which is a software component of the records associator that analyzes consumers transactions as they occur, to derive likely associations.

20. The system of claim 17, further including a user rule facility which is referenced by the records associator to develop rules of association.

21. The system of claim 1, further including an editor/viewer in the user-referenced subsystem through which users access the A/R data records for the purposes of editing and viewing the same.

22. The system of claim 1, further comprising an individual best coordinator (IBC), which is a process that provides decision support to a user based on a current transaction and current assets in the user's A/R DB.

23. The system of claim 22, in which the IBC is operable on the basis of heuristics and rules established by the user and an analysis engine.

24. The system of claim 1, in which the user-referenced subsystem comprises a computer/software construct that is resident on a user's PC.

25. The system of claim 1, in which the user-referenced subsystem comprises a computer/software construct that is resident on the Internet.

26. The system of claim 1, in which the user-referenced subsystem comprises a computer/software construct that is resident on a private database located outside of the user's individual PC.

27. The system of claim 1, further including a facility that enables user-to-user communications.

28. The system of claim 1, further including a facility that enables user-to-vendor communications and the transference of information from vendor-based databases to users at the request of users.